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DEC 21 2007

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 07 00804 VRW
)	
Plaintiff,)	PROPOSED ORDER AND
)	STIPULATION FOR CONTINUANCE
v.)	FROM DECEMBER 27, 2007 TO
)	JANUARY 10, 2008 AND EXCLUDING
Hesham Badawi,)	TIME FROM THE SPEEDY TRIAL ACT
)	CALCULATION (18 U.S.C. §§
Defendant.)	3161(h)(8)(A),(h)(8)(B)(iv))

With the agreement of the parties, and with the consent of the defendant, the Court enters this order continuing a change of plea or trial setting appearance before the district court from December 27, 2007 to January 10, 2008 at 1:30 P.M. before the Honorable Vaughn R. Walker, and documenting the defendant's exclusion of time under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(8)(A),(h)(8)(B)(iv) during that period. The parties agree, and the Court finds and holds, as follows:

1. The defendants agree to an exclusion of time under the Speedy Trial Act. Failure to grant the requested continuance would unreasonably deny the defendant or the Government continuity of counsel.

a. Defendant contemplates entering a plea of guilty at his first appearance before the district court and continuity of representation would be essential to accomplish

1 this.


2 b. The respective unavailability of defendant's attorney and government counsel
3 during the period from December 27, 2007 until January 10, 2008 predicates the
4 parties request for a brief continuance of less than two weeks.

5 2. Given these circumstances, the Court finds that the ends of justice served by excluding the
6 period from December 27, 2007 to January 10, 2008, outweigh the best interest of the public and
7 the defendant in a speedy trial. § 3161(h)(8)(A).


8 3. Accordingly, and with the consent of the defendant, the Court orders that the period from
9 December 27, 2007 to January 10, 2008 be excluded from Speedy Trial Act calculations under
10 18 U.S.C. §§ 3161(h)(8)(A), (h)(8)(B)(iv).

11
12 IT IS SO STIPULATED:

13
14 DATED: December 21, 2007


MICHAEL THORMAN, ESQ.
Attorney for Defendant Badawi

15
16 DATED: December 21, 2007


BLAKE D. STAMM
Assistant United States Attorney

17
18 IT IS SO ORDERED.

19
20 DATED: 12/24/07


HON. MARIA-ELENA JAMES
United States Magistrate Judge